

### REMARKS

Claims 1-4, 7-20, and 27-34 are pending. Claims 1, 7 and 8 are amended by way of this amendment to clarify the subject matters of the invention. New claims 33 and 34 are added. All pending claims 1-4, 7-20, and 27-34, as amended, are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

### Declaration Under 37 CR 1.131 to Antedate Kinoshita

Claims 6, 7, 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gorike (US Pat. No. 4,005,278) in view of Kinoshita (Japanese Pat. No. 2001-309478). In addition, claims 27-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gorike in view of Kinoshita and further in view of Holman (US Pat. No. 6,099,894).

However, an executed Declaration Under 37 CR 1.131 is filed herewith to antedate Kinoshita.

In addition, claim 1 is amended to incorporate the elements of claim 6 and its intervening dependent claim 5.

Thus, withdrawal of the rejection of claims 1, as amended, and claims dependent therefrom as being unpatentable over Gorike in view of Kinoshita is respectfully requested. Similarly, withdrawal of the rejection of claims 27-32 as being unpatentable over Gorike in view of Kinoshita and further in view of Holman is respectfully requested.

### New Independent Claims 33 and 34

New independent claims 33 and 34 are added. Claims 33 and 34 recite that the interior surface of the ring is configured to facilitate in matching acoustical impedances at the output or second face of the ring and the output face of the speaker when coupled to the ring. Support for this amendment may be found, for example, at page 6, line 31 to page 7, line 5. Thus no new matter is believed to be added by way of this amendment.

Claims 33 and 34 are also believed to be patentable over Gorike, either alone or in combination with the cited secondary references. For example, independent claim 33 generally recites an earphone cushion with a first resilient ring having an opening therethrough defining an interior surface between the faces configured to facilitate in matching acoustical impedances at the output or second face of the ring and the output face of the speaker when coupled to the ring.

Such matching of the acoustical impedances at the output faces of the ring and the speaker helps to provide a more efficient transmission of sound from the speaker to the ear.

In contrast, Gorike does not disclose or suggest such acoustical impedance matching between the output face of the speaker and the output face of the ring. Rather, Gorike provides an annular toroidal seal ring 12 that forms a coupling space between the speaker diaphragm and the auditory canal that is largely sealed off to the exterior of the headphone (see for example, Abstract, col. 1, lines 5-12, and col. 11, lines 1-5).

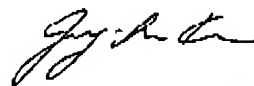
Thus, new independent claims 33 and 34 are believed to be allowed over the cited references.

### CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1217 (Order No. 01-7035).

Respectfully submitted,



Jung-hua Kuo, Reg. No. 41,918 for:  
Peter Hsieh, Reg. No. 44,780  
Plantronics, Inc.  
345 Encinal Street  
P.O. Box 635  
Santa Cruz, CA 95060-0635  
Telephone: (831) 458-7758  
Facsimile: (831) 426-2965

Enclosures:

- (1) executed Declaration Under 37 CR 1.131 (1 page); and
- (2) Exhibits A and B in support of the Declaration (2 pages).